

Shane Rattenbury MLA

Attorney-General

Minister for Consumer Affairs

Minister for Water, Energy and Emissions Reduction

Minister for Gaming

Member for Kurrajong

Peter Cain MLA

Chair

Standing Committee on Justice and Community Safety

Our ref: PRO24/1091

Dear Chair *Peter*

I refer to Scrutiny Report 39 and the Scrutiny Comments in relation to the *Court Procedures Amendment Rules 2023 (No 2) (The Amendment Rules)* which state:

2.154 The amendments made by this subordinate law (according to the explanatory statement) 'clarify the operation of the Court Procedures Rules 2006 with respect to documents filed and issued electronically.' The explanatory statement then details the particular amendments.

2.155 However, there is no discussion of possible human rights issues raised by the subordinate law, to assist the Committee in its (expanded) role under section 38 of the Human Rights Act 2004.

The amendments set out in the Amendment Rules have the effect as set out in the Explanatory Statement. The ACT Supreme and Magistrates Courts accept documents via both hard copy and electronically in certain circumstances. However, as the *Court Procedures Rules 2006* were drafted prior to the implementation of electronic filing of documents, certain rules were not clear in their effect in the circumstance of electronic filing. This was principally concerned the requirements to 'attach' documents to other documents when filing, to file multiple copies of documents (for service on other parties), and the ability to serve documents by email in certain circumstances.

The amendments make the administrative requirements of filing documents clear based on whether the documents are filed in hard copy or electronically.

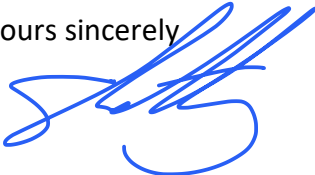
Further, the amendments future-proof the operation of the *Court Procedures Rules 2006* so that, if the ACT Supreme and Magistrates Courts move to electronic file management (as a matter of internal administration), parties seeking to use the Court can continue to file documents in hard

copy. New rules 6133 and 6134 provide for the Registrar to convert a document filed in hard copy to electronic form so that the Courts can manage their files electronically, however parties retain the ability to file material in hard copy form if they so choose.

Noting the procedural and administrative character of the amendments, as outlined in the explanatory memorandum, there are no human rights impacts in relation to the Amendment Rules.

I thank the Committee for its comments and trust that this explanation assists.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'S. Rattenbury', with a large, stylized flourish at the end.

Shane Rattenbury MLA

2 April 2024